

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

OCT 21 2019

MITCHELL R. ELFERS  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 19-mj-3232

LEOPOLDO SALAZAR,

Defendant.

**ORDER TOLLING SPEEDY TRIAL COMPUTATION**

THIS MATTER is before the Court on Defendant's request for a continuance of the Grand Jury presentment in this case. Defendant brings the motion for continuance under 18 U.S.C. §3161(h)(7)(A) and asserts that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial.

The Court having considered the motion, being fully advised in the premises and in light of the holding in *United States v. Toombs*, 574 F.3d 1262 (2009), agrees and finds that defendant has by his motion, created a sufficient record to justify granting the motion to continue. See *id.*, 574 F.3d at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time). The Court expressly finds that the granting of this continuance is not because of general congestion of the court's calendar or lack of diligent preparation or failure of obtain available witnesses by the attorney for the Government.

Wherefore,

IT IS HEREBY ORDERED that Grand Jury presentment of this case is continued for an additional period of 75 days for a total of 105 days. This time period shall be excluded from speedy indictment time computation pursuant to 18 U.S.C. § 3161(b) and § 3161(h)(7)(A) as the Court specifically finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial.

  
UNITED STATES MAGISTRATE JUDGE